

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GIDGET LEWIS, INDIVIDUALLY AND §
ON BEHALF OF THE HEIRS AND OF §
THE ESTATE OF ANREA MARQUIS §
LEWIS, DECEASED, ALTON MOYE, §
AND LINDA DELL JOHNSON, §
INDIVIDUALLY AND ON BEHALF §
OF GIDGET LEWIS AND THE HEIR §
AND THE ESTATE OF ANDREA M. §
LEWIS, §
PLAINTIFFS §

v. §

WENTWOOD ST. JAMES, L.P., §
ST. JAMES PLACE APARTMENTS, §
ST. JAMES APARTMENTS, AMERICAN §
MANAGEMENT SERVICES CENTRAL §
LLC d/b/a/ PINNACLE, GRAOCH §
ASSOCIATES, WENTWOOD ST. JAMES §
PARTNERS, L.L.C., §
DEFENDANTS §

Civil Action No. _____

DEFENDANTS' NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT:

PLEASE TAKE NOTICE that Wentwood St. James, L.P., St. James Place Apartments (not a legal entity), St. James Apartments (not a legal entity), American Management Services Central LLC d/b/a/ Pinnacle, Graoch Associates, and Wentwood St. James Partners, L.L.C. (no longer a legal entity), ("Defendants"), hereby file this Notice of Removal to this Court on the grounds described below:

1. On April 29, 2011, a civil action was commenced in the 281st Judicial District Court of Harris County, Texas styled, *Gidget Lewis, Individually and on behalf of the Heirs and of the Estate of Andrea Marquis Lewis, Deceased, and Alton Moye, and Linda Dell Johnson, Individually and on behalf of Gidget Lewis and the Heir and the Estate of Andrea M. Lewis*, Cause Number 2011-26241. A copy of Plaintiff's Original Petition is attached hereto as **Exhibit "1."**

2. Service of citation and petition was made on Defendant Wentwood St. James, L.P. by serving its registered agent, Corporation Service Company, by process server on May 13, 2011. A copy of the proof of service and citation is included in **Exhibit "1."** Defendants St. James Place Apartments, St. James Apartments, American Management Services Central LLC d/b/a/ Pinnacle, Graoch Associates, and Wentwood St. James Partners, L.L.C. have not been served as of the filing of this Notice.

3. Defendants have attached to this Notice all process, pleadings, notices, orders, and all other documents, in the State Court action as required by Title 28 U.S.C. § 1446(a) and Local Rule 81. A copy of such also included in **Exhibit "1."**

4. Defendants have filed an Original Answer, which is attached hereto as **Exhibit "2."**

5. Defendants have attached a copy of the Notice of Removal to Federal Court, as **Exhibit "3."**

JURISDICTION AND VENUE

6. The action is a civil action of which this Court has original jurisdiction under Title 28 U.S.C. § 1332 (Diversity Jurisdiction), and is one which may be removed to this Court pursuant to Title 28 U.S.C. § 1441. There is complete diversity of

citizenship between all Plaintiffs and Defendants. Defendant Wentwood St. James, L.P. is a Delaware limited partnership with its principal place of business in the state of Washington, whose general and limited partners are residents of the state of Washington. Defendant American Management Services Central LLC d/b/a/ Pinnacle is a Washington Corporation with its principle place of business in Washington. Defendant Graoch Associates is not a legal entity. Wentwood St. James Partners, L.L.C. was a Delaware limited liability company with its principal place of business in the state of Washington, whose sole member is a resident of Washington State. The proper parties to this case are Wentwood St. James, L.P. (a Delaware corporation) and Wanda –1 GP (a Washington corporation). Both of Plaintiffs are citizens of Texas, with their residences in Harris County, Texas.

7. The amount in controversy exceeds the sum of seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs. Plaintiffs have pled that the amount in controversy is in excess of \$50,000.00 (Paragraph I of Plaintiffs' Original Petition). In addition, it is facially apparent from Plaintiffs' Original Petition that the claims exceed the jurisdictional limit as it includes a wrongful death claim. *De Aguilar v. Boeing Co.*, 11 F3d 55, 57 (5th Cir. 1993).

8. Plaintiff has not requested a jury trial.

9. The State Court has not signed any orders.

10. Venue is proper in the Southern District of Texas, Houston Division because this district and division embrace the place in which the action is pending.

11. Defendants will promptly give Plaintiff written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d). Defendants will also promptly

file a copy of this Notice of Removal with the Clerk of the 281st Judicial District Court of the State of Texas, Harris County, where the action is currently pending, also pursuant to 28 U.S.C. § 1446(d).

12. Consent of all defendants is not necessary because all of the defendants are represented by the same attorney.

Respectfully submitted,

JONES, GILLASPIA & LOYD, L.L.P.

By: /s/ Kathleen A. O'Connor
Kathleen A. O'Connor
State Bar No. 00793468
S.D. Tex. ID No. 63644
John Bruster Loyd
State Bar No. 24009032
S.D. Tex. ID No. 23240
1300 Post Oak, Suite 830
Houston, Texas 77056
Telephone: 713.225.9000
Facsimile: 713.225.6126

**ATTORNEYS FOR
DEFENDANTS**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of May 2011, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing is being served this day upon all counsel of record identified either via transmission of Notices of Electronic Filing generated by CM/ECF, or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing, in accordance with the Federal Rules of Civil Procedure.

/s/ Kathleen A. O'Connor

Kathleen A. O'Connor

